



## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2022-1232; Airspace Docket No. 22-ASO-19]

RIN 2120-AA66

### Proposed Amendment of Class D and E Airspace; Hickory and Morganton, NC

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class D airspace and Class E surface airspace for Hickory Regional Airport, Hickory, NC, as runways one and nineteen have been permanently closed. This action would also amend Class E airspace extending upward from 700 feet above the surface for Foothills Regional Airport, Morganton, NC, by updating the airport's name and geographic coordinates and removing Grace Hospital from the description. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**DATES:** Comments must be received on or before [INSERT DATE 45 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Send comments on this proposal to: the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; Telephone: (800) 647-5527, or (202) 366-9826. You must identify Docket No. FAA-2022-1232; Airspace Docket No. 22-ASO-19 at the beginning of your comments. You may also submit comments through the internet at [www.regulations.gov](https://www.regulations.gov).

FAA Order JO 7400.11G Airspace Designations and Reporting Points and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/).

For further information, contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; Telephone: (202) 267-8783.

**FOR FURTHER INFORMATION, CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-6364.

**SUPPLEMENTARY INFORMATION:**

**Authority for this Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend airspace in Hickory and Morganton, NC, to support IFR operations in the area.

**Comments Invited**

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide a factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA-2021-1232 and Airspace Docket No. 22-ASO-19) and be submitted in triplicate to DOT

Docket Operations (see “ADDRESSES” section for the address and phone number).

You may also submit comments through the internet at [www.regulations.gov](http://www.regulations.gov).

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA-2021-1232; Airspace Docket No. 22-ASO-19.” The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### **Availability of NPRMs**

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://www.regulations.gov). Recently published rulemaking documents can also be accessed through the FAA’s web page at [www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ADDRESSES section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except on federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except for federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

#### **Availability and Summary of Documents for Incorporation by Reference**

This document proposes to amend FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the ADDRESSES section of this document. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### **The Proposal**

The FAA proposes an amendment to 14 CFR part 71 to amend Class D airspace and Class E surface airspace for Hickory Regional Airport, Hickory, NC, as runways one and nineteen have been permanently closed. In addition, this action would replace the outdated terms Airport/Facility Directory with the term Chart Supplement and Notice to Airmen with the term Notice to Air Missions in the appropriate airspace descriptions

This action would also amend Class E airspace extending upward from 700 feet above the surface for Foothills Regional Airport (formerly Morganton-Lenoir Airport), Morganton, NC, by updating the airport's name and geographic coordinates, as well as removing Grace Hospital Heliport from the description, as the heliport no longer has instrument approaches. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Class D and E airspace designations are published in Paragraphs 5000, 6002, and 6005, respectively, of FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will subsequently be published in FAA Order JO 7400.11.

FAA Order JO 7400.11, Airspace Designations and Reporting Points is published yearly and effective on September 15.

### **Regulatory Notices and Analyses**

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” prior to any FAA final regulatory action.

### **Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

### **The Proposed Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

### **PART 71 -DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

### **§71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation

Administration Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 5000. Class D Airspace.

\* \* \* \*

**ASO NC D Hickory, NC [Amended]**

Hickory Regional Airport, NC  
(lat. 35°44'28"N., long. 81°23'22"W.)

That airspace extending upward from the surface to and including 3,700 feet MSL within a 4.1-mile radius of Hickory Regional Airport. This Class D airspace is effective during the specific days and times established in advance by a Notice to Air Missions. The effective days and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002. Class E Surface Airspace.

\* \* \* \*

**ASO NC E2 Hickory, NC [Amended]**

Hickory Regional Airport, NC  
(lat. 35°44'28"N., long. 81°23'22"W.)

That airspace extending upward from the surface within a 4.1-mile radius of Hickory Regional Airport. This Class E airspace is effective during the specific days and times established in advance by a Notice to Air Missions. The effective days and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6005. Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

\* \* \* \*

**ASO NC E5 Morganton, NC [Amended]**

Foothills Regional Airport, NC  
(lat. 35°49'13"N., long. 81°36'41"W.)  
Fiddlers NDB  
(lat. 35°42'37"N., long. 81°40'17"W.)

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Foothills Regional Airport and within 2.5 miles each side of the 205° bearing from Fiddlers NDB, extending from the 9.5-mile radius to 7 miles southwest of the NDB.

Issued in College Park, Georgia, on October 18, 2022.

**ANDREESE C. DAVIS,**  
**Manager, Airspace & Procedures Team South,**  
**Eastern Service Center, Air Traffic Organization**

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